

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

## ITEM # 1      Adult Day Care/Adult Day Support Regulations

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at the public hearings to be held on January 15, 2002, and January 16, 2002, as follows:

January 15, 2002

Community Care Licensing Regional Office  
100 Corporate Point, #350  
(Entrance on Slausen)  
Culver City, California

January 16, 2002

CDSS Office Building #9  
744 P Street, Auditorium  
Sacramento, California

The public hearings will both convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on January 16, 2002.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice and the proposed regulations are anticipated to be available online at <http://www.dss.cahwnet.gov/ord> by December 1, 2001. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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## CHAPTERS

California Code of Regulations (CCR), Division 6, Chapter 3 (Adult Day Care Facilities/Adult Day Support Centers), Sections 82001 (Definitions), 82003 (Forms Definitions), 82005 (License Required), 82006 (Operation Without a License), 82007 (Exemption From Licensure), 82008 (Licensing of Integral Facilities), 82010 (Limitations on Capacity and Ambulatory Status), 82012 (False Claims), 82017 (Applicant Qualifications), 82018 (Application for License), 82019 (Criminal Record Clearance), 82019.1 (Criminal Record Exemption), 82020 (Fire Clearance), 82021 (Water Supply Clearance), 82022 (Plan of Operation), 82023 (Disaster and Mass Casualty Plan), 82024 (Waivers and Exceptions), 82025 (Bonding), 82026 (Safeguards for Cash Resources, Personal Property, and Valuables), 82027 (Initial Application Review), 82028 (Capacity Determination), 82029 (Withdrawal of Application), 82030 (Provisional License), 82031 (Issuance of License), 82034 (Submission of a New Application), 82035 (Conditions for Forfeiture of a Community Care Facility License), 82036 (Application/Annual Processing Fees), 82040 (Denial of Initial License), 82042 (Revocation or Suspension of License), 82043 (Licensee/Applicant Complaints), 82044 (Inspection Authority of the Department or Licensing Agency), 82045 (Evaluation Visits), 82046 (Exclusions), 82051 (Serious Deficiencies), 82052 (Deficiencies in Compliance), 82053 (Follow-up Visits to Determine Compliance), 82054 (Penalties), 82055 (Administrative Review), 82056 (Exemption from Civil Penalties), 82058 (Unlicensed Facility/Center Penalties), 82059 (Unlicensed Facility/Center Administrative Appeal), 82061 (Reporting Requirements), 82062 (Finances), 82063 (Accountability), 82064 (Administrator - Qualifications and Duties), 82065 (Personnel Requirements), 82065.1 (Personnel Qualifications and Duties), 82065.5 (Staff-Client Ratios), 82066 (Personnel Records), 82068 (Admission Agreements), 82068.2 (Needs and Services Plan), 82068.3 (Modifications to Needs and Services Plan), 82068.5 (Procedures for Discharge), 82069 (Client Medical Assessments), 82070 (Client Records), 82071 (Register of Clients), 82072 (Personal Rights), 82073 (Telephones), 82074 (Transportation), 82075 (Health-Related Services), 82075.1 (Daily Inspection for Illness), 82076 (Food Service), 82077 (Personal Services), 82077.2 (Care for Clients Who Rely Upon Others to Perform All Activities of Daily Living), 82077.4 (Care for Clients with Incontinence), 82077.5 (Care for Clients with Contractures), 82078 (Responsibility for Providing Care and Supervision), 82079 (Planned Activities), 82086 (Alterations to Existing Buildings or New Facilities/Centers), 82087 (Buildings and Grounds), 82087.2 (Outdoor Activity Space), 82087.3 (Indoor Activity Space), 82087.4 (Storage Space), 82088 (Fixtures, Furniture, Equipment and Supplies), 82088.2 (Drinking Water), 82090 (Health and Safety Services), 82091 (Prohibited Health Conditions), 82092 (Restricted Health Conditions), 82092.1 (General Requirements for Restricted Health Conditions), 82092.3 (Inhalation-Assistive Devices), 82092.4 (Colostomy/Ileostomy), 82092.5 (Fecal Impaction Removal, Enemas, or Suppositories), 82092.6 (Indwelling Urinary Catheter/Catheter Procedure), 82092.7 (Staph or Other Serious, Communicable Infections), 82092.8 (Insulin-Dependent Diabetes), 82092.9 (Wounds), 82092.10 (Gastrostomy

Feeding, Hydration, and Care), 82092.11 (Tracheostomies), 82093 (Department Review of Health-Related Conditions), 82094 (Health Condition Relocation Order), 82094.5 (Client's Request for Review of a Health Condition Relocation Order by the Interdisciplinary Team (IDT)); Chapter 3.5 (Adult Day Support Center), Sections 82500 (General), 82501 (Definitions), 82522 (Plan of Operation), 82564 (Administrator - Qualifications and Duties), 82565 (Personnel Requirements), 82565.1 (Personnel Qualifications and Duties), 82565.5 (Staff Participant Ratio), 82568.2 (Needs and Services Plan), 82568.3 (Modifications to the Needs and Services Plan), 82568.5 (Procedures for Discharge), 82570 (Participant's Records), 82575 (Health-Related Services), 82575.1 (Daily Inspections for Illness), 82576 (Food Services), 82577 (Personal Services), 82579 (Activities), 82587 (Buildings and Grounds), 82587.2 (Outdoor Activity Space), 82587.3 (Indoor Activity Space), 82587.4 (Storage Space), 82588 (Fixtures, Furniture, Equipment, and Supplies), and 82588.2 (Drinking Water).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These regulations develop and consolidate the existing adult day care, adult day support center and applicable general licensing regulations into one self-contained regulations package that will govern only adult day programs.

Currently, community care facilities (with few exceptions) must meet General Licensing Requirements which are contained in Title 22, Division 6, Chapter 1, Sections 80000 through 80095. These general requirements include those regulatory areas which are common to all licensing categories such as fingerprinting, fire clearance, food service, etc. The regulatory areas, though common to all licensing categories, do contain some requirements applicable only to a specific licensing category. Licensees must also comply with regulations specific to the type of license for which they are applying. For example, the specific regulations which govern the operation of a group home (provides care to children ages 0 through 17 years of age) has areas which are more restrictive than those which govern an adult residential facility.

These regulations represent the first in a series which are intended to provide to licensees, individuals in care, and their families, a single-source regulatory booklet that contains only those regulations which are pertinent to that particular facility type. This approach to the regulations was not statutorily mandated, but rather responds to requests from those individuals being regulated.

These regulations do not contain any substantive changes to the regulations. There are no new regulations introduced in this regulation package. The purpose of these regulations are to consolidate what previously were three separate and distinct regulation chapters into a single, self-contained regulation chapter.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: No additional costs or savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulation. There are no state mandated costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state mandated costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that these regulations will affect small businesses.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 1502.2, 1520.11, 1523, 1524, 1524(e), 1530, 1530.9, 1538.5, 1548, 1550, and 1553, Health and Safety Code; and Section 10554, Welfare and Institutions Code. Subject regulations implement and make specific Sections 1501, 1502, 1502(a)(7) and (8), 1502.2, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1512, 1513, 1520, 1520.3, 1520.5, 1520.11, 1522, 1522.1, 1523, 1523.1, 1524, 1524(e), 1524.5, 1524.7, 1525, 1525.5, 1526, 1526.5, 1527, 1528, 1530, 1530.5, 1531, 1531.1, 1531.5, 1533, 1534, 1536.1, 1537, 1538, 1538.5, 1539, 1540, 1540.1, 1541, 1547, 1548, 1549, 1550, 1550.5, 1551, 1553, 1556, 1557.5, 1560, 1561, 1562, 1564, 1569.699(a), and 11834.11, Health and Safety Code; Sections 362, 727, 4803, 5453, 5458, 11006.9, 11465, 16100, and 17736(a) and (b), Welfare and Institutions Code; Sections 226.2, 226.5, and 226.6, Civil Code; Sections 15376 and 15378, Government Code; Section 42001, Vehicle Code; 20 CFR 416.601, and 29 CFR 1910.1030.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586  
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#### CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Sharon Anderson (916) 324-4170  
Backup: Joan Regeleski (916) 324-3058

AGENDA ITEM(S) FOR THIS PUBLIC HEARING - January 16, 2002

ITEM #1	ORD #0501-11	Foster Care Financial Audit Requirements
ITEM #2	ORD #1000-20	Adult Day Care / Adult Day Support Regulations
ITEM #3	ORD #0901-20	Direct Deposit
ITEM #4	ORD #0801-18	CalWORKs: Inter-County Transfers